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July 31, 2013

**VIA ECF**

The Honorable Nina Gershon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Morris Nelson v. First Transit, Inc.  
CV 11-4366(NG)(RML)

Dear Judge Gershon:

The parties jointly submit this correspondence to inform the Court of the status of the above-referenced litigation and to jointly request that the Court keep this case with Magistrate Judge Robert M. Levy to preside over the remaining matters.

On June 21, 2013, the Court referred this case to Magistrate Judge Levy for mediation. With the assistance of Magistrate Judge Levy, which included multiple settlement teleconferences conducted by Magistrate Judge Levy, the parties were able to agree in principle upon the terms of a settlement. The parties are in the process of finalizing the settlement paperwork, which will resolve the claims of the Named Plaintiff and all Opt In Plaintiffs.

In light of Magistrate Judge Levy's involvement in and knowledge of the parties' settlement negotiations, the parties believe Magistrate Judge Levy is in a unique position to review and confirm the reasonableness of the terms of the settlement. Accordingly, pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and Local Civil Rule 73.1, the parties wish to consent to jurisdiction before Magistrate Judge Levy for purposes of seeking final approval of the settlement and dismissal of this action with prejudice. The parties have enclosed a fully executed Consent Form requesting that the Court refer this case to Magistrate Judge Levy to conduct all further proceedings in the case.



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Thank you for Your Honor's consideration and guidance in this matter.

Very truly yours,

JACKSON LEWIS LLP



Justin R. Barnes

(submitted on behalf of both Plaintiff and  
Defendant)

JRB/jb

cc: Walker G. Harman, Jr., Esq. (by ECF)  
Wendy Mellk, Esq. (JL-NYC) (by ECF)